



COMMONWEALTH OF MASSACHUSETTS
Board of Registration
of
Hazardous Waste Site Cleanup
Professionals

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PROFESSIONAL CONDUCT COMMITTEE
Minutes of Meeting on September 18, 2008
[Approved on October 16, 2008]

Prepared by: Terry Wood

Meeting Location: Groundwater & Environmental Services, Westford, MA.

- 1. Call to Order:** Debra Stake called the meeting to order at 12:35 p.m. Also present were Gail Batchelder, Janine Commerford, Deborah Farnsworth, Christophe Henry, Kirk Franklin, Jack Guswa, and Kelley Race. Committee members absent: Gretchen Latowsky, Robert Luhrs, and Paul Mullen. Staff members present were Allan Fierce, Brian Quinlan, Lynn Read, Ron Viola, Terry Wood and Al Wyman. Also present was Wesley Stimpson of the LSP Association.
- 2. Announcements:** None.
- 3. Previous Minutes:** The draft minutes of the meeting held on August 21, 2008 were approved with minor edits.
- 4. Old Business**
 - A. Status of CRTS**

At Ms. Stake's request, the chair of each CRT reported on progress made since the August meeting.
 - B. Update re: Web Site Subcommittee**

Ms. Commerford stated that the subcommittee has not met.

C. Review one-year status report regarding Board Policy 2007-1

Mr. Fierce stated that he had included a draft one-year status report in the packet for today's meeting for the Committee members review and comment. He also stated that, considering the Committee members had committed to seeing how the policy worked for one year, the Committee could now consider whether they wanted to leave the Board policy in place or not.

Ms. Stake asked whether the Committee had any obligation to report back to MassDEP's Commissioner regarding the results of the policy in light of the fact that the former acting Commissioner had been very interested in the policy. Ms. Commerford stated there was no such obligation.

The consensus of the Committee was to table discussion of the draft report until next month. They also requested that Mr. Fierce provide Committee members with electronic copies of the draft so they could more easily make edits.

5. New Business

A. Complaint 08C-05

This complaint was filed by a former client of the LSP and alleged, among other things, that the LSP misled the client into believing a cheaper approach to a release would lead to site closure. After discussion regarding the complaint and LSP response, a motion was made and seconded to appoint a screening team to obtain some additional information and report back to the committee. The motion passed unanimously. Ms. Batchelder, Mr. Henry and Ms. Wood were appointed to the screening team.

B. Should Board decisions be in the DEP Reporter?

Mr. Fierce stated that the DEP Reporter is a private publication that publishes recommended decisions issued by the Division of Administrative Law Appeals (DALA) regarding MassDEP cases as well as MassDEP's final decisions in those cases. He said that it had come to his attention that this reporter had also published the two recent recommended decisions issued by DALA concerning LSP Board cases. He added that the publication did note that these two decisions concerned Board cases and not MassDEP cases. Mr. Fierce asked the Committee members if they wanted Board decisions to be included in this reporter at all and also whether the Committee wanted him to contact the publication to inquire whether it would also publish the final decisions issued by the Board in these cases.

Ms. Commerford asked how this reporter is used. Ms. Wood stated that copies of it are in some law libraries and it is used by attorneys to research MassDEP decisions.

The consensus of the Committee members was that they did not object to the recommended decisions being published in the DEP Reporter because they were identified as LSP Board cases. The Committee also instructed Mr. Fierce to wait until a final decision was issued by the Board in one of these cases and then to contact the publisher to ask them to publish the final decision.

6. Future Meetings

The Committee is scheduled to meet on October 16, 2008 at a location to be determined. The Committee is also scheduled to meet on November 18, 2008 at a location to be determined.

7. Adjournment: The meeting was adjourned at 1:40 p.m.